

November 8, 2018

The City Council of the City of Marion, Linn County, Iowa met in regular session, Thursday, November 8, 2018, at 5:30 p.m. in the council chambers of City Hall with Mayor AbouAssaly presiding and the following council members present: Atkins, Jensen, Gadelha, Brandt and Strnad. Absent: Draper.

The meeting opened with Posting of the Colors by the American Legion Post #298 Honor Guard and the Pledge of Allegiance.

Council observed a moment of silence.

PROCLAMATIONS/OATHS

Mayor AbouAssaly administered the ceremonial Oath of Office to Colette Atkins to City Council Ward 1 (official oath administered October 26, 2018).

Mayor AbouAssaly read and presented a proclamation to the American Legion Post #298 honoring the 100th Anniversary of American Legion.

Mayor AbouAssaly read and presented a proclamation to Mary Ellen Oglesby with the Michael W Oglesby Foundation designating November 15 as World Pancreatic Cancer Day.

Mayor AbouAssaly read a proclamation declaring October 24, 2018 as a day to honor Paul Draper. This was originally presented to Paul Draper and family at the Marion Chamber of Commerce Luncheon on October 24, 2018.

PRESENTATIONS – None.

CONSENT AGENDA PUBLIC FORUM – No one came forward to speak.

CONSENT AGENDA

Moved by Gadelha, seconded by Brandt to approve the Consent Agenda as follows:

Motion to approve minutes of the October 16 and 18, 2018 City Council meetings.

Motion to receive, file and discuss September 2018 Finance Department Monthly Report.

Motion to approve the following liquor license applications:

- a. Renewal – Big Shots Bar and Grill
1803 6th Avenue
Class C Liquor License (LC) with additional privilege of outdoor service.
One violation in previous five years.

- b. Renewal – Best Western Longbranch Hotel
90 Twixt Town Road
Class B Liquor License (LB) with additional privileges of Catering, Outdoor Service and Sunday Sales. One violation in previous five years.

Motion to receive and file Certified List for Communications Operator.

Motion to receive and file resignation from Todd Pearson from Zoning Board of Adjustment effective September 30, 2018.

Motion to approve payments as presented in the amount of \$2,198,569.71.

Resolution No. 27247 approving the Annual Finance Report for the fiscal year ending June 30, 2018.

Motion to concur with the recommendation to approve Chief Joseph McHale as the primary representative and Marion Public Safety Communications Center Manager Rhonda Kaczinski as the secondary representative on the Linn County E-911 Executive Board.

Resolution No. 27248 approving Memorandum of Agreement between the City of Marion and Monarch Research Project, related to the 1,000 Acre Pollinator Initiative.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27249 approving Partial Payment No. 2 to D.W. Zinser Company, Inc. regarding the 184 8th Avenue Property Disposal in the amount of \$2,000.00.
- b. Resolution No. 27250 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 1480 5th Avenue Property Disposal in the amount of \$10,590.00.
- c. Resolution No. 27251 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 573 14th Street Property Disposal in the amount of \$22,415.00.
- d. Resolution No. 27252 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 526 13th Street Property Disposal in the amount of \$12,800.00.
- e. Resolution No. 27253 approving Partial Payment No. 1 to Taube Excavation, Inc. regarding the 880 2nd Street Property Disposal in the amount of \$11,150.00.

- f. Resolution No. 27254 approving Partial Payment No. 3 to Curtis Contracting Corp. regarding the 2018 Sidewalk Assessment Project in the amount of \$35,384.38.
 - g. Resolution No. 27255 approving Partial Payment No. 8 to Rathje Construction Co. regarding the Grant Wood Trail Extension Project in the amount of \$10,094.69.
 - h. Resolution No. 27256 approving Partial Payment No. 5 to BWC Excavating, LC regarding the 2017 Northview Drive Reconstruction Project in the amount of \$168,369.17.
 - i. Resolution No. 27257 approving Partial Payment No. 2 to Borst Brothers Construction, Inc. regarding the 3600 Winslow Road Property Disposal in the amount of \$16,438.00.
 - j. Resolution No. 27258 approving Partial Payment No. 2 to Borst Brothers Construction, Inc. regarding the 3630 Winslow Road Property Disposal in the amount of \$4,300.00.
 - k. Resolution No. 27259 approving Partial Payment No. 3 to Anderson-Bogert Engineers regarding the 2018 Central Corridor-7th Ave. Preliminary Design in the amount of \$15,809.95.
 - l. Resolution No. 27260 approving Partial Payment No. 3 to HDR Engineering regarding the 2018 Sewer Capacity Study in the amount of \$13,829.09.
 - m. Resolution No. 27261 approving Partial Payment No. 20 to Veenstra & Kimm, Inc. regarding Indian Creek Truck Sewer-Segment 7 Project in the amount of \$4,369.50.
 - n. Resolution No. 27262 approving Partial Payment No. 5 to Calhoun-Burns and Associates, Inc. regarding 2018 Bridge Rating & Inspection Services in the amount of \$1,025.00.
- Resolution No. 27263 accepting the 184 8th Avenue Property Disposal Project.
- Resolution No. 27264 accepting the 1480 5th Avenue Property Disposal Project.
- Resolution No. 27265 accepting the 573 14th Street Property Disposal Project.
- Resolution No. 27266 accepting the 526 13th Street Property Disposal Project.
- Resolution No. 27267 accepting the 880 2nd Street Property Disposal Project.

Resolution No. 27268 accepting the 3600 Winslow Road Property Disposal Project.

Resolution No. 27269 accepting the 3630 Winslow Road Property Disposal Project.

Resolution No. 27270 accepting the 2018 Wetland Basin and Grant Wood Trail 31st to 35th Project.

Motion directing staff to request the City of Marion to be on the IDOT Local Road Safety Plan (LRSP) list.

Motion to receive, file, discuss and refer to TAC a request regarding a no parking zone on Pleasantview Drive east of South 22nd Street. (Samantha Buchheit, 4036 Vine Avenue SE, Cedar Rapids)

Motion to receive, file, discuss and refer to TAC a request regarding the intersection of Marion Boulevard, 6th Avenue and 1st Street. (Timothy Godsil, 1117 ½ 3rd Avenue)

Motion to receive, file, discuss and refer to TAC a request regarding signs in the Uptown. (Brook Prouty, Uptown Director)

Resolution No. 27271 approving a contract for legal services regarding the Indian Creek Trunk Sewer Segment 7 with Lynch Dallas, P.C.

Resolution No. 27272 approving expenditures not to exceed \$5,000 regarding the South 11th Street Project out of the Construction Maintenance Fund.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27273 approving Payment No. 36 to Universal Field Services, Inc. for services related to right-of-way acquisitions for the Central Corridor Improvement Project, 13th Street to 31st Street in the amount of \$2,528.89.
- b. Resolution No. 27274 approving Payment No. 22 to Anderson Bogert Engineers per the contract for the Grant Wood Trail Extension Project (Iowa DOT Project No. TAP-U-47775(628)81-57) in the amount of \$118.30.
- c. Resolution No. 27275 approving Payment No. 8 to RDG Planning and Design for services related to an update to the Neighborhood at Indian Creek Master Plan in the amount of \$5,209.40. Contract amount remaining \$5,863.54.

- d. Resolution No. 27276 approving Payment No. 7 to Stanley Consultants, Inc. for Urban Design services related to the Central Corridor Project in the amounts of \$6,700.00. (Contract amount remaining \$0).
- e. Resolution No. 27277 approving Payment No. 4 to Snyder & Associates per the contract for the Indian Creek Trail [STP-U-4775(631) --70-57] in the amount of \$14,244.75.
- f. Resolution No. 27278 approving Payment No. 5 to Linn County for Marion's portion of the Linn County Hazard Mitigation Plan Update in the amount of \$259.74.

Motion to receive, file and refer to the Planning and Zoning Commission:

- a. Final Plat for Jacob 1st Addition to Linn County located 2706 E. Robins Road, Marion, Linn County, Iowa.

Resolution No. 27279 relating to the financing of a proposed project to be undertaken by the City of Marion, Iowa; establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 5:46 p.m. Mayor Pro Tem Gadelha presided over the meeting.

CONSENT AGENDA WITH MAYOR ABOUASSALY'S ABSTENTION

Moved by Brandt, seconded by Jensen to approve the Consent Agenda with Mayor AbouAssaly's abstention from voting and discussion as follows:

Motion to receive and file correspondence from Cibo regarding liquor license suspension and response letter from City Attorney.

Motion to approve the FY2018-2019 Cigarette permit application for Kwik Star #1008.

Resolution No. 27280 approving the selection of OPN Architects as the architectural firm for the planning and construction of Marion Fire Station No. 3.

Motion to approve Engineering Department project payments as follows:

- a. Resolution No. 27281 approving Partial Payment No. 8 to Genesis Equities, LLC per Resolution No. 26329 regarding the 2017 Central Corridor Improvements Project – Phase 3 (13th Street to 19th Street) in the amount of \$116,200.14.

- b. Resolution No. 27282 approving Partial Payment No. 2 to Abode Construction, Inc. regarding the 2018 Storm Sewer Project in the amount of \$87,877.96.
- c. Resolution No. 27283 approving Partial Payment No. 4 to Martin Gardner Architecture regarding the 525 11th Street Assessment in the amount of \$1,200.00.
- d. Resolution No. 27284 approving Partial Payment No. 8 to Genesis Equities, LLC per Resolution No. 26088 regarding the Central Corridor Improvements Project; Building Demolition in the amount of \$45,909.86.
- e. Resolution No. 27285 approving Partial Payment No. 5 to Anderson-Bogert Engineers regarding the Marion Runway 17/35 Reconstruction in the amount of \$4,560.37.
- f. Resolution No. 27286 approving Partial Payment No. 3 to Abode Construction, Inc. for the over width and over depth of trail associated with Briargate 6th Addition to the City of Marion in the amount of \$32,621.33.

Resolution No. 27287 accepting Echo Hill 3rd Addition to the City of Marion.

Resolution No. 27288 accepting the 2017 Lucore Road Reconstruction Project.

Motion to approve Planning Department project payments as follows:

- a. Resolution No. 27289 approving payment to Hall & Hall Engineers, Inc. for services related to POS #2299 for the Marion Fire Department in the amount of \$2,246.25.
- b. Resolution No. 27290 approving Payment No. 1 to GLD Properties LLC for construction of a portion of the Grant Wood Trail project located between 26th Street roundabout and 31st Street in the amount of \$47,440.00.

Vote: Yeas: Atkins, Jensen, Gadelha, Brandt, Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 5:46 p.m. Mayor AbouAssaly presided over the meeting.

REGULAR AGENDA

Ordinance No. 18-29 amending Chapter 17 of the Code of Ordinances relating to Council was read by Strnad for initial Consideration. Moved by Strnad, seconded by Brandt to approve the first reading of Ord. No. 18-29. All in favor, motion carried.

Ordinance No. 18-30 amending Chapter 18 of the Code of Ordinances relating to City Clerk was read by Atkins for initial consideration. Moved by Atkins, seconded by Jensen to approve the first reading of Ord. No. 18-30. All in favor, motion carried.

Ordinance No. 18-31 amending the Code of Ordinances by adding Chapter 18A relating to City Treasurer was read by Jensen for initial consideration. Moved by Jensen, seconded by Brandt to approve the first reading of Ord. No. 18-31. All in favor, motion carried.

Ordinance No. 18-32 amending Chapter 7 of the Code of Ordinances relating to Fiscal Management was read by Gadelha for initial consideration. Moved by Gadelha, seconded by Brandt to approve the first reading of Ord. No. 18-32. All in favor, motion carried.

Ordinance No. 18-33 amending Chapter 5 of the Code of Ordinances relating to Operating Procedures was read by Brandt for initial consideration. Moved by Brandt, seconded by Gadelha to approve the first reading of Ord. No. 18-33. All in favor, motion carried.

Ordinance No. 18-34 amending Chapter 23 of the Code of Ordinances relating to Park Board was read by Strnad for initial consideration. Moved by Strnad, seconded by Jensen to approve the first reading of Ord. No. 18-34. All in favor, motion carried.

Ordinance No. 18-35 amending Chapter 120 of the Code of Ordinances relating to Liquor Licenses and Wine and Beer Permits was read by Atkins for initial consideration. Moved by Atkins, seconded by Jensen to approve the first reading of Ord. No. 18-35. Council Member Brandt asked about the removal of the proximity guidelines. City Attorney Bullerman stated she compared Marion's code with other cities and they are starting to be more streamlined. Mayor AbouAssaly would like to wait to approve this. Council Member Jensen asked if Council could decide the distance. Kara confirmed. Council Member Gadelha stated she would be interested in distinguishing restaurant versus bar. She would also like to see a map showing 200 feet around current and proposed schools. Council Member Brandt would like to see the school provision put back into the code. Motion by Brandt, seconded by Gadelha to table Ord. No. 18-35. All in favor to table Ord. No. 18-35, motion carried.

Ordinance No. 18-36 amending Chapter 46 of the Code of Ordinances relating to Minors was read by Jensen for initial consideration. Moved by Jensen, seconded by Brandt to approve the first reading of Ord. No. 18-36. City Attorney Kara Bullerman stated this is related to Ord. No. 18-35 and should be tabled until Chapter 120 is amended. Motion by Brandt, seconded by Strnad to table Ord. No. 18-36. All in favor to table Ord. No. 18-36, motion carried.

Resolution No. 27291 approving contract with Total Maintenance, Inc. regarding the installation of HVAC control system at the library in the amount of \$42,846.00 was read Gadelha. Moved by Gadelha, seconded by Brandt to approve Res. No. 27291. All in favor, motion carried.

Mayor AbouAssaly relinquished the gavel to Mayor Pro Tem Gadelha at 6:02 p.m. Mayor Pro Tem Gadelha presided over the meeting.

Moved by Brandt, seconded by Jensen to receive, file, and discuss a request regarding a Regional Detention Basin for Silver Rock Estates (Kent Backen, Integrity Custom Homes, Inc.) Kent Backen (3436 Barnsley Circle) stated they are developing the area and would be putting in a large detention basin instead of several smaller basins. Council Member Strnad asked if Mr. Backen has spoken with surrounding property owners. Kent stated he has talked to one owner on Dawn Drive. Council Member Jensen asked when this would be developed. Kent estimated around 2020 or 2021. Vote: Yeas: Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Moved by Strnad, seconded by Brandt to direct staff to negotiate a MOU with Integrity Custom Homes, Inc. regarding a Regional Detention Basin for Silver Rock Estates. Vote: Yeas: Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: None. Abstention: AbouAssaly. Motion carried.

Mayor Pro Tem Gadelha relinquished the gavel to Mayor AbouAssaly at 6:14 p.m. Mayor AbouAssaly presided over the meeting.

Moved by Atkins, seconded by Jensen to remove from table Resolution No. 27169 accepting bids and awarding contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00. (Tabled 9.20.18) Mayor AbouAssaly asked why this was being brought back. City Engineering Mike Barkalow stated a decision is required within 60 days. Council needs to accept or reject the bids. Vote: Yeas: Atkins, Jensen, Gadelha, Brandt and Strnad. Nays: AbouAssaly. Motion carried.

Resolution No. 27169 accepting bids and awarding contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00 (Tabled 9.20.18) was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27169. Council Member Brandt asked if contract is approved, how long until house is demolished. City Engineer Mike Barkalow stated once notice is sent, they had 45 days. Council Member Strnad asked about vandalism on the property. Mike stated they board up the windows. The neighboring property has seen some vandalism. Council Member Gadelha stated she is in favor of the demolition. Mayor AbouAssaly stated that all efforts to save or relocate the property have not been exhausted. Moved by Jensen, seconded by Atkins to amend the motion to reject all bids. Vote: Yeas: Atkins, Jensen, AbouAssaly, Brandt and Strnad. Nays: Gadelha. All in favor of amendment, motion carried.

Resolution No. 27170 approving contract with Rathje Construction Company regarding the 520 12th Street Property Disposal Project in the amount of \$16,800.00 (Removed 9.20.18) was removed from the agenda.

Mayor AbouAssaly opened the public hearing regarding the rezoning of property located south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard to rezone property from R-2 Medium Density Single Family Residential to C-3 General Commercial and R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential. (Delong Development Co., LC). Community Development Director Tom Treharne presented the staff report. No other comments, written or verbal, were received. Mayor AbouAssaly declared the public hearing closed.

Ordinance No. 18-37 approving the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to C-3 General Commercial (Delong Development Co., LC) was read by Brandt for initial consideration. Moved by Brandt, seconded by Jensen to approve the first reading of Ord. No. 18-37. All in favor, motion carried.

Ordinance No. 18-38 approving the rezoning of property south of Blairs Ferry Road, north of Twixt Town Road and west of Marion Boulevard from R-2 Medium Density Single Family Residential to R-6 High Density Multiple Family Residential (Delong Development Co., LC) was read by Strnad for initial consideration. Moved by Strnad, seconded by Brandt to approve the first reading of Ord. No. 18-38. Council Member Brandt asked for the difference between R-2 and R-6. Tom stated R-6 is higher density property. All in favor, motion carried.

Resolution No. 27292 approving Plat of Survey No. 2303 located south of Echo Hill Road and west of Alburnett Road (Carl and Dolores Zieser Revocable Trust) was read by Atkins. Moved by Atkins, seconded by Jensen to approve Res. No. 27292. All in favor, motion carried.

Resolution No. 27293 approving Acquisition Plat for a portion of Tower Terrace Road Right-of-Way between Winslow Road to Lennon Lane (City of Marion) was read by Jensen. Moved by Jensen, seconded by Gadelha to approve Res. No. 27293. All in favor, motion carried.

Ordinance No. 18-25 approving the revision of Chapter 176 Marion Zoning Ordinance for approval of an amendment to Chapter 176.32, Accessory Building and Uses of the Marion Code of Ordinances regarding Accessory Building and Uses was read by Gadelha for second consideration. Moved by Gadelha, seconded by Jensen to approve Ord. No. 18-25. Council Member Brandt stated he is still against the square feet restriction. All in favor, motion carried.

Ordinance No. 18-28 amending the Marion Code of Ordinances and establishing Section 176.52, Use Standards was read by Brandt for final consideration. Moved by Brandt, seconded by Gadelha to approve the third reading of Ord. No. 18-28. All in favor, motion carried.

Moved by Strnad, seconded by Gadelha to direct staff to proceed with Alburnett Road and Central Avenue name change associated with the Alburnett Road extension project. All in favor, motion carried.

Moved by Atkins, seconded by Jensen to receive, file and discuss the Capital Improvement Program financial impacts. City Manager Lon Pluckhahn provided information regarding the financial impacts of scenario B. Council Member Strnad asked if the numbers presented were per household and weighted on value. Lon stated they are waited for a median house value. Council Member Jensen stated he would like to look at one other case and one that includes realistic growth. All in favor, motion carried.

OTHER DEPARTMENT DISCUSSION – No discussion.

PUBLIC FORUM

Michael Lundby (3020 English Glen Ct Unit 2) stated he read in Marion Times that the City is buying an airplane. Mayor AbouAssaly stated that is not true.

COUNCIL DISCUSSION

Council Member Brandt stated he walked around uptown looking at condition of sidewalks. He is curious why we are not taking care of the current issues. He would like to see a little money spent to remedy some of the trip hazards. Asked for it to be put on future agenda for discussion. Council Member Gadelha agreed.

Council Member Strnad wanted to send well wishes to Council Member Draper.

City Manager Lon Pluckhahn stated Brooke Prouty with Uptown Marion is out of town accepting a rehabilitation grant for the Owen Block building.

Mayor AbouAssaly wanted to wish Council Member Draper well. He stated there was a ribbon cutting at Terrace Glen Village as well as an Economic Development tour. He also stated he read at three different schools during America Reads day. Mayor stated there are a lot of great things happening in Marion.

CLOSED SESSION

Moved by Gadelha, seconded by Jensen to adjourn to closed session regarding personnel matters (City Manager performance evaluation) as permitted under Section 21.5(1)(i) of the Code of Iowa. City Manager Lon Pluckhahn requested the closed session. City Attorney Kara Bullerman stated that she has reviewed the subject matter to be discussed and found it to be an appropriate topic for closed session. Roll Call: Yeas: Atkins, Jensen, AbouAssaly, Gadelha, Brandt and Strnad. Nays: None. Motion carried.

Moved by Strnad, seconded by Brandt to reconvene to regular session. All in favor, motion carried.

Mayor AbouAssaly adjourned the meeting at 8:30 p.m.

Nicolas AbouAssaly, Mayor

Attest:

Rachel Bolender, Assistant City Clerk

The undersigned Assistant City Clerk of Marion, Iowa certifies that the minutes shown immediately above were published in the Marion Times on the _____ day of _____, 20____.

Rachel Bolender, Assistant City Clerk